



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

FIVE POST OFFICE SQUARE -SUITE 100 (MAIL CODE OES05-1)

BOSTON, MASSACHUSETTS 02109-3912

URGENT MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

JUL 01 2014

Timothy Filteau, Director of Operations
Aeroflex Microelectronic Solutions
54 Grenier Field Road
Londonderry, NH 03053

Re: **NOTICE OF VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 and the Land Disposal Restrictions Rule, Sections 3004(d) through (m) of the Resource Conservation and Recovery Act of 1976 (RCRA) and the Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6622(a) and New Hampshire's RSA 147-A and it's implementing hazardous waste management regulations Env-Wm 100-1000.

Dear Mr. Filteau:

On December 12, 2013, representatives of the United States Environmental Protection Agency ("EPA") conducted a compliance inspection at Aeroflex Microelectronics Solutions ("AF"), located at 54 Grenier Road, Londonderry, NH. This facility has been assigned EPA ID # NHD500015193. The purpose of this inspection was to determine AF's compliance with the federal hazardous waste regulations promulgated under the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901-6987 ("RCRA"), at 40 C.F.R. Parts 260-273 and Part 279, and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the RCRA regulations, promulgated at 40 C.F.R. Parts 260 through 273 and Part 279, and New Hampshire Hazardous Waste Rules, Env-Wm 100-1000:

1. Failure to properly train each employee with hazardous waste management responsibilities.

Pursuant to Env-Wm 509.02, which references federal rules at 40 CFR 265.16, a full quantity generator of hazardous waste must ensure that facility personnel complete training that teaches them to perform their duties in a way that ensures the facility's compliance with hazardous waste management requirements. At the time of the inspection, Mark Taylor (MT), General Manager, identified the following employees with

hazardous waste management responsibilities that would require annual training:

Thai Hoang trained in hazardous waste management in 2011, 2012 but missed training events in 2013;

Coung Huang trained in hazardous waste management in 2011, 2012, but missed training events in and 2013;

Giau Lam trained in hazardous waste management in 2011, but missed training events in 2012 and 2013; and

Nate Collins trained in hazardous waste management in 2011, 2012, but missed training events in 2013.

Additionally, the contingency plan lists Tim Filteau (TF), Director of Operations, as an alternate emergency coordinator. AF did not have any hazardous waste training or emergency response training records for TF.

2. Failure to adequately determine if a solid waste is a hazardous waste.

Pursuant to Env-Wm 502.01, a generator must determine if a solid waste is a hazardous waste. At the time of the inspection, the inspection team observed:

a. Located in the Basement, near Reactor #1:

i. one, approximately 10-gallon container marked with a hazardous waste label, but no other information. MT stated that the container held silicon wafers contaminated with metal layers. MT stated that the container should not have been labeled as hazardous waste, but also acknowledged that the facility had not completed a hazardous waste determination to confirm that the contents are not hazardous waste; and

ii. five boxes identified by MT as old caustic spill kits that need to be disposed. MT was not sure if the kits would need to be managed as hazardous waste, but acknowledged that the kits are likely acidic in nature, and may therefore exhibit the hazardous waste characteristic of corrosivity (D002).

b. Located at the Etch Department:

i. one approximately 5-gallon white container with red residue around the lid. This container was not labeled and no employee in the area was able to identify whether it was a product or a waste.

3. Failure to label/mark containers of spent universal waste lamps.

Pursuant to Env-Wm 1112.04, spent universal waste lamps must be stored in containers that are marked with the words "universal waste lamps", "waste lamps", or "used lamps". At the time of the inspection, the inspection team observed:

five boxes of 4-foot fluorescent bulbs, identified by TF as spent bulbs, located in the basement. These boxes were unmarked and open.

4. Failure to document accumulation time on containers of spent universal waste lamps.

Pursuant to Env-Wm 1102.04(a)(2), a generator must be able to demonstrate the length of time that the waste has been accumulated. At the time of the inspection, the inspection team observed:

five boxes of 4-foot fluorescent bulbs, identified by TF as spent bulbs, located in the basement. These boxes were not dated and TF was not able to determine the beginning accumulation date for any of the containers.

5. Failure to properly label containers of hazardous waste with the accumulation date

Pursuant to Env-Wm 507.03(1)(a), each container of hazardous waste that is not being managed as a satellite container must be marked with the beginning accumulation date. At the time of the inspection, the inspection team observed the following undated container:

a. Located in the Glassing Room:

i. one 85-gallon over-pack container with a 55-gallon container inside. The 85-gallon container was marked as hazardous waste, potassium cyanide, gold, silver. MT stated that the contents in this drum were not generated nearby, or within the Glassing Room. Therefore, this container was not a satellite container of hazardous waste, and therefore should have been dated with the beginning accumulation date.

6. Failure to properly label containers of hazardous waste with words hazardous waste

Pursuant to Env-Wm 507.03(a)(1)b, each container of hazardous waste must be marked with the words "hazardous waste". At the time of the inspection, the inspection team observed the following containers that were not marked with the words "hazardous waste":

a. Located in the Basement:

i. one 1-gallon container that MT stated was used to collect spent solvent wash. This container was not labeled. MT stated that the area was considered to be a satellite accumulation area.

b. Located at the Chemical Vapor Deposit Process:

i. one approximately 5-gallon container marked as B75-X waste, but with no other information. MT stated that the container is a satellite container of hazardous waste.

7. Failure to maintain a complete hazardous waste contingency plan

Pursuant to Env-Wm 509.02(a)(5), which references Federal regulations at 40 CFR Part 265, Subpart D, a full quantity generator of hazardous waste must maintain an adequate contingency plan. Specifically, at the time of the inspection, AF's contingency plan was deficient in the following areas:

a. The plan briefly describes the type of spill equipment, but does not specifically describe its location within the facility. For example, the plan states "the basement has spill pillows, socks, mats.....", but does not state where within the basement. Locations and capabilities of fire extinguishers or other firefighting equipment are not described in the contingency plan;

b. The plan does not describe the sounds of the evacuation alarm, other than stating that a fire alarm is used to evacuate the facility. The plan only states that upon hearing this alarm, evacuation should occur;

c. The plan states that evacuation routes are posted throughout the facility, but no copy was included in the contingency plan or in any attachments or appendices;

d. The plan does not describe arrangements that have been made with local authorities, other than saying that Londonderry Fire Department will respond and assist when notified;

e. The plan does not describe any arrangements made with surrounding businesses or other operations that could be impacted by an incident at the facility; and

f. The plan does not provide documentation that it has been submitted to local authorities, including the police, fire, hospitals.

8. Failure to accumulate hazardous waste in a manner that minimizes the potential harm to human health or the environment

Pursuant to Env-Wm 506.01(a), hazardous waste must at all times be stored and managed in a way that minimizes the potential harm to human health or the environment. At the time of the inspection, the inspection team observed:

a. Located in the Basement:

i. one 55-gallon drum located on a secondary containment pallet. The waste was identified by MT as containing caustic sodium hydroxide product used in the wastewater treatment system. Around the base of the containment pallet the inspection team observed what appeared as liquid spillage that was tested with pH paper and determined to have a pH of 14 S.U. The spill was sufficient in size that employees could have walked in, and tracked the waste material around the facility.

b. Located at the Main Hazardous Waste Storage Area:

i. The flooring in the area was cracked, and therefore not completely impervious to accidental releases; and

9. Failure to properly segregate incompatible hazardous wastes

Pursuant to Env-Wm 509.02(6), incompatible hazardous wastes must be separated or protected by means of a dike, berm, wall or other containment method. At the time of the inspection, the inspection team observed:

Located at the Main Hazardous Waste Storage Area:

i. Two 35-gallon containers marked as hazardous waste, nitric/hydrofluoric acid were stored adjacent to one 55-gallon container marked as hazardous waste, flammable liquids, acetone, methanol. This arrangement did not have adequate segregation/secondary containment to minimize the potential for incompatible interactions in the event of spill or other unforeseen event.

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Aeroflex Microelectronic Solutions, Londonderry, NH
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AF is hereby required to:

A. Immediately upon receipt of this NOTICE:

1. Ensure that at all times, hazardous waste is stored in a manner that minimizes the potential for harm to human health and the environment, as required by Env-Wm 506.01(a). Specifically, ensure that hazardous waste spills are immediately cleaned up and properly managed. Also, ensure that hazardous wastes are only stored on properly maintained surfaces that are impervious to any spills or other releases.
2. Ensure that each container of hazardous waste not being managed at a satellite storage area, is marked with the beginning accumulation date at the time that the container is first used to contain the waste, as required by Env-Wm 507.03(1)(a).
3. Ensure that each container of hazardous waste is marked with the words "hazardous waste", as required by Env-Wm 507.03(a)(1)(b).
4. Ensure that spent universal waste lamps are stored in containers that are marked with the words "universal waste lamps", "waste lamps", or "used lamps", as required by Env-Wm 1112.04.
5. Ensure that universal waste containers are managed in such a way that AF can demonstrate the length of time that the waste has been accumulated, as required by Env-Wm 1102.04(a)(2).
6. Ensure that all hazardous separated or protected by means of a dike, berm, wall or other containment method from other hazardous wastes and hazardous materials, as required by Env-WM 509.02(6).

B. Within 30-days upon receipt of this NOTICE:

1. Ensure that each employee with hazardous waste management responsibilities is trained annually in hazardous waste management, as required by Env-Wm 509.02. Ensure that the training is sufficiently detailed so that the employee is able to safely and effectively perform their hazardous waste management responsibilities.
2. Ensure that the hazardous waste contingency plan fulfills the following requirements, as required by Env-Wm 509.02(a)(5):
 - a. a detailed description of the location of emergency equipment maintained

- within the facility;
 - b. a description of the sounds of the evacuation alarm;
 - c. primary and alternate evacuation routes;
 - d. a detailed description of the arrangements that have been made with local authorities, that may be called up to respond and assist when notified.
 - e. a description of arrangements made with surrounding businesses or other operations that could be impacted by an incident at the facility.
 - f. documentation that it has been submitted to local authorities, including the police, fire, hospitals.
3. Determine whether all solid waste are hazardous waste, as required by Env-Wm 502.01. Specifically, provide hazardous waste determinations for the following waste streams that were not adequately evaluated at the time of the inspection:
- a. Located in the Basement, near Reactor #1:
 - i. one, approximately 10-gallon container marked with a hazardous waste label, but no other information.
 - ii. five boxes identified by MT as old caustic spill kits that need to be disposed.
 - b. Located at the Etch Department:
 - i. one approximately 5-gallon white container with red residue around the lid.

C. Within thirty-five (35) calendar days of receipt of this NOTICE:

1. Submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violation to:

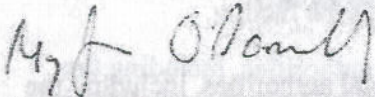
Andrew Meyer, Environmental Scientist
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100, Mail Code OES05-4
Boston, Massachusetts 02109-3912

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Failure to correct the violations as required by this NOTICE may subject the facility to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. If you have any questions regarding this NOTICE, please contact Andrew Meyer of the RCRA Compliance Unit, at (617) 918-1755.

Sincerely,



Mary Jane O'Donnell, Acting Chief
RCRA, EPCRA and Federal Programs Unit

cc: Tod Leedberg, NHDES
RCRA file